IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1159 OF 2005

Khemchand Gulabrai Dasani & ors. ...Petitioners.
Versus
M/s.B. G. Associates & Ors. ...Respondents.

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Mr. S.A. Bhagwat for the Petitioners.
Mr.V. G.Mujumdar for Respondent Nos.1 and 2.

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**CORAM : DR. D.Y. CHANDRACHUD, J.**

August 30, 2005.

**P.C.:**

The Learned Trial Judge has observed in his order dated 25th January 2005 that parties have closed their evidence and there was a direction that the suit shall be disposed of on the basis of day-to-day hearing. At that stage, four applications were filed on behalf of the Petitioners, one questioning the admissibility of the agreement dated 3rd May 1993; the second praying for leave to cross-examine the Third Defendant; the third for framing additional issues and the fourth for production and inspection of the documents. Interference of this Court under Article 227 of the

Constitution, is not warranted particularly having regard to the stage of the trial. However, it is clarified that all the rights and contentions of the parties on merits including on the admissibility of the document dated 3rd May 1993 are expressly kept open to be urged at the final hearing. Should the Petitioners be aggrieved by the final judgment and decree, it would be open to them to raise all appropriate contentions in appeal. The petition is accordingly dismissed.

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